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DEPARTMENT OF COMMERCE

International Trade Administration

[A-489-837, A-533-889]

Certain Quartz Surface Products from India and the Republic of Turkey: Initiation of Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce

DATES: Applicable May 28, 2019.

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(India); AD/CVD Operations, Enforcement and Compliance, International Trade Administration,

U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On May 8, 2019, the U.S. Department of Commerce (Commerce) received antidumping duty (AD) petitions concerning imports of certain quartz surface products (quartz surface products) from India and Turkey, filed in proper form by Cambria Company LLC (the petitioner), a domestic producer of quartz surface products.¹ The Petitions were accompanied by countervailing duty (CVD) petitions concerning imports of quartz surface products from India and Turkey.²

¹ See the petitioner's letter, "Petitions for the Imposition of Antidumping and Countervailing Duties: Certain Quartz Surface Products from India and the Republic of Turkey," dated May 8, 2019 (the Petitions).

² *Id.*

On May 13, May 14, and May 20, 2019, Commerce requested supplemental information pertaining to certain aspects of the Petitions in separate supplemental questionnaires.³ The petitioner filed responses to the supplemental questionnaires on May 15, May 16, May 21, and May 24, 2019.⁴

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports of quartz surface products from India and Turkey are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing quartz surface products in the United States. Consistent with section 732(b)(1) of the Act, the Petitions are accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petitions on behalf of the domestic industry, because the petitioner is an interested party, as defined in section 771(9)(C) of the Act.

³ See Commerce's letters, "Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Quartz Surface Products from India and the Republic of Turkey: Supplemental Questions," dated May 13, 2019 (General Issues Supplemental); "Petition for the Imposition of Antidumping Duties on Imports of Certain Quartz Surface Products from India: Supplemental Questions," dated May 13, 2019 (India Supplemental); "Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Quartz Surface Products from India and the Republic of Turkey: Supplemental Questions," dated May 14, 2019 (Turkey Supplemental); and, Memorandum, "Phone Call with Counsel to the Petitioner," dated May 20, 2019 (May 20, 2019 Memorandum).

⁴ See the petitioner's letters, "Certain Quartz Surface Products from India and the Republic of Turkey: Response to General Issues Questionnaire," dated May 15, 2019 (General Issues Supplement); "Quartz Surface Products from Turkey: Response to Questionnaire on Antidumping Petition," dated May 16, 2019 (Turkey AD Supplement); "Quartz Surface Products from India: Response to Questionnaire on Antidumping Petition," dated May 15, 2019 (India AD Supplement); "Quartz Surface Products from India: Additional Response to Questionnaire on Antidumping Petition," dated May 21, 2019 (Second India AD Supplement); "Certain Quartz Surface Products from India and the Republic of Turkey: Supplemental Response on Scope," dated May 21, 2019 (Second General Issues Supplement); and "Certain Quartz Surface Products from India and the Republic of Turkey: Amendment to Petitions," dated May 24, 2019 (Third General Issues Supplement).

Commerce also finds that the petitioner demonstrated sufficient industry support with respect to the initiation of the requested AD investigations.⁵

Periods of Investigation

Because the Petitions were filed on May 8, 2019, the periods of investigation (POI) for the India and Turkey AD investigations is April 1, 2018, through March 31, 2019, pursuant to 19 CFR 351.204(b)(1).⁶

Scope of the Investigations

The products covered by these investigations are quartz surface products from India and Turkey. For a full description of the scope of these investigations, *see* the Appendix to this notice.

Comments on the Scope of the Investigations

During our review of the Petitions, we contacted the petitioner regarding the proposed scope to ensure that the scope language in the Petitions is an accurate reflection of the products for which the domestic industry is seeking relief.⁷ As a result, the scope of the Petitions was modified to clarify the description of the merchandise covered by the Petitions. The description of the merchandise covered by these investigations, as described in the Appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (scope).⁸ Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments

⁵ See the "Determination of Industry Support for the Petition" section, *infra*.

⁶ See 19 CFR 351.204(b)(1).

⁷ See General Issues Supplemental; *see also* May 20, 2019 Memorandum.

⁸ See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

include factual information,⁹ all such factual information should be limited to public information. To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit scope comments by 5:00 p.m. Eastern Time (ET) on June 17, 2019, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on June 27, 2019, which is 10 calendar days from the initial comment deadline.¹⁰

Commerce requests that any factual information parties consider relevant to the scope of the investigations be submitted during this period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact Commerce and request permission to submit the additional information. All such submissions must be filed on the records of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS).¹¹ An electronically filed document must be received successfully in its entirety by the time and date it is due. Documents exempted from the electronic submission requirements must be filed manually (*i.e.*, in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue,

⁹ See 19 CFR 351.102(b)(21) (defining "factual information").

¹⁰ See 19 CFR 351.303(b).

¹¹ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); see also *Enforcement and Compliance; Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on help using ACCESS can be found at <https://access.trade.gov/help.aspx> and a handbook can be found at <https://access.trade.gov/help/Handbook%20on%20Electronic%20Filing%20Procedures.pdf>.

NW, Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Comments on Product Characteristics

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics of quartz surface products to be reported in response to Commerce's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant costs of production accurately, as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) general product characteristics, and (2) product comparison criteria. We note that it is not always appropriate to use all product characteristics as product comparison criteria. We base product comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe quartz surface products, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, Commerce attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on June

17, 2019, which is 20 calendar days from the signature date of this notice.¹² Any rebuttal comments must be filed by 5:00 p.m. ET on June 27, 2019. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of each of the AD investigations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the “industry.”

Section 771(4)(A) of the Act defines the “industry” as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether “the domestic industry” has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must

¹² See 19 CFR 351.303(b).

apply the same statutory definition regarding the domestic like product,¹³ they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.¹⁴

Section 771(10) of the Act defines the domestic like product as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title." Thus, the reference point from which the domestic like product analysis begins is "the article subject to an investigation" (*i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petitions).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigations.¹⁵ Based on our analysis of the information submitted on the record, we have determined that quartz surface products, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.¹⁶

In determining whether the petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic

¹³ See section 771(10) of the Act.

¹⁴ See *USEC, Inc. v. United States*, 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

¹⁵ See Volume I of the Petitions, at 8-11 and Exhibit I-6; see also General Issues Supplement at 2-4.

¹⁶ For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, see Antidumping Duty Investigation Initiation Checklist: Certain Quartz Surface Products from India (India AD Initiation Checklist) at Attachment II; see also Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Quartz Surface Products from India and the Republic of Turkey (Attachment II); and Antidumping Duty Investigation Initiation Checklist: Certain Quartz Surface Products from the Republic of Turkey (Turkey AD Initiation Checklist), at Attachment II. These checklists are dated concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

like product as defined in the “Scope of the Investigations,” in the Appendix to this notice. To establish industry support, the petitioner provided its own production of the domestic like product in 2018 and compared this to the estimated total production of the domestic like product for the entire domestic industry.¹⁷ We relied on data provided by the petitioner for purposes of measuring industry support.¹⁸

On May 24, 2019, we received comments on industry support from M S International, Inc. (MSI), a U.S. importer of quartz surface products from India and Turkey.¹⁹ The petitioner responded to the industry support comments from MSI on May 28, 2019.²⁰ On May 28, 2019, we received comments from MSI, Bedrosians Tile & Stone, and Arizona Tile LLC, each of whom is a U.S. importer of quartz surface products from India and Turkey, pertaining to the timing of the petitioner’s May 24, 2019 supplemental response.²¹

Our review of the data provided in the Petitions, the General Issues Supplement, the Third General Issues Supplement, the Petitioner’s Letter, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petitions.²² With respect to the India Petition, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the India Petition account for at least 25 percent of total

¹⁷ See Volume I of the Petitions, at 2-4 and Exhibits I-3 and I-4; *see also* General Issues Supplement, at 8-9 and Exhibits 10 and 11; Third General Issues Supplement, at 3 and Exhibits 1 and 2.

¹⁸ See Volume I of the Petitions, at 2-4 and Exhibits I-3 and I-4; *see also* General Issues Supplement, at 8-9 and Exhibits 10 and 11; Third General Issues Supplement, at 3 and Exhibits 1 and 2. For further discussion, *see* India AD Initiation Checklist, at Attachment II; and Turkey AD Initiation Checklist, at Attachment II.

¹⁹ See MSI’s letter, “Quartz Surface Products from India and the Republic of Turkey: Comments on the Lack of Standing of the Petitioner and Requests for Action,” dated March 20, 2019 (MSI’s Letter).

²⁰ See the petitioner’s letter, “Certain Quartz Surface Products from India and the Republic of Turkey: Petitioner’s Response to MSI’s Comments on Standing,” dated May 28, 2019 (Petitioner’s Letter).

²¹ See letter from MSI, Bedrosians Tile & Stone, and Arizona Tile LLC, “Quartz Surface Products from India and the Republic of Turkey: Preliminary Comments on Petitioner’s Tardy Amendment to its Petitions,” dated May 28, 2019 (Petition Amendment Comments).

²² See India AD Initiation Checklist, at Attachment II; *see also* Turkey AD Initiation Checklist, at Attachment II.

production of the domestic like product.²³ The India Petition also established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.*, polling).²⁴ Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the India Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the India Petition.²⁵ Accordingly, Commerce determines that the India Petition was filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.²⁶

With respect to the Turkey Petition, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Turkey Petition account for at least 25 percent of total production of the domestic like product.²⁷ The Turkey Petition did not establish support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product, however, and Commerce was required to further evaluate industry support.²⁸ In this case, Commerce was able to rely on other information, in accordance with section 732(c)(4)(D)(i) of the Act, to determine industry support.²⁹ Based on information provided in the Turkey Petition, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the

²³ See India AD Initiation Checklist, at Attachment II.

²⁴ See section 732(c)(4)(D) of the Act; *see also* India AD Initiation Checklist, at Attachment II.

²⁵ See India AD Initiation Checklist, at Attachment II.

²⁶ *Id.*

²⁷ See Turkey AD Initiation Checklist, at Attachment II.

²⁸ See section 732(c)(4)(D) of the Act; *see also* Turkey AD Initiation Checklist, at Attachment II.

²⁹ See Turkey AD Initiation Checklist, at Attachment II.

domestic producers (or workers) who support the Turkey Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Turkey Petition.³⁰ Accordingly, Commerce determines that the Turkey Petition was filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.³¹

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.³²

The petitioner contends that the industry's injured condition is illustrated by a significant and increasing volume of subject imports; reduced market share; underselling and price depression or suppression; lost sales and revenues; and a decline in the domestic industry's employment variables and financial performance.³³ We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.³⁴

³⁰ *Id.*

³¹ *Id.*

³² See Volume I of the Petitions, at 19 and Exhibit I-13; see also General Issues Supplement, at 10 and Exhibit 13.

³³ See Volume I of the Petitions, at 13, 15-40 and Exhibits I-3, I-10, I-13 through I-30; see also General Issues Supplement, at 10-14 and Exhibits 12 and 13.

³⁴ See India AD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Quartz Surface Products from India and the Republic of Turkey (Attachment III); see also Turkey AD Initiation Checklist, at Attachment III.

Allegations of Sales at LTFV

The following is a description of the allegations of sales at LTFV upon which Commerce based its decision to initiate AD investigations of imports of quartz surface products from India and Turkey. The sources of data for the deductions and adjustments relating to U.S. price and normal value (NV) are discussed in greater detail in the country-specific AD Initiation Checklists.

Export Price

For India and Turkey, the petitioner based export price (EP) on the average unit values (AUVs) of the official U.S. import statistics obtained from the ITC's Dataweb (Dataweb). The petitioner made deductions from U.S. price for foreign inland freight and foreign brokerage and handling charges.³⁵

Normal Value

For India, the petitioner based NV on a home market price quote obtained through market research for quartz surface products produced in and sold, or offered for sale, in India within the POI.³⁶ The petitioner provided information indicating that the price quote was below the cost of production (COP) and, therefore, the petitioner calculated NV based on CV.

For Turkey, the petitioner was unable to obtain a price quote for quartz surface products produced in and sold, or offered for sale, in Turkey that was usable for comparison to the price of quartz surface products exported to the United States from Turkey, nor was it able to obtain a

³⁵ See India AD Initiation Checklist and Turkey AD Initiation Checklist.

³⁶ See India AD Initiation Checklist.

suitable third country price.³⁷ The petitioner therefore calculated normal value based on constructed value (CV).³⁸

For further discussion of CV, *see* the section “Normal Value Based on Constructed Value” below.³⁹

Normal Value Based on Constructed Value

As noted above, the petitioner was unable to obtain information relating to the prices charged for quartz surface products produced in Turkey and sold in Turkey, or any third country market, and the price quote obtained for the sale in India was below the COP. Accordingly, the petitioner based NV on CV.⁴⁰ Pursuant to section 773(e) of the Act, CV consists of the cost of manufacturing (COM), selling, general, and administrative (SG&A) expenses, financial expenses, and profit. For India and Turkey, the petitioner calculated the COM based on the input factors of production and its own usage rates. The input factors of production were valued using publicly available data on costs specific to Turkey and India, during the proposed POI.⁴¹ Specifically, the prices for raw materials and energy inputs were valued using publicly available import and domestic price data for Turkey and India.⁴² Labor costs were valued using publicly available sources for Turkey and India.⁴³ The petitioner calculated factory overhead, SG&A

³⁷ *See* Turkey AD Initiation Checklist.

³⁸ *Id.*

³⁹ In accordance with section 505(a) of the Trade Preferences Extension Act of 2015, amending section 773(b)(2) of the Act, for these investigations, Commerce will request information necessary to calculate the CV and cost of production (COP) to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product. Commerce no longer requires a COP allegation to conduct this analysis.

⁴⁰ *See* Turkey AD Initiation Checklist and India AD Initiation Checklist.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

expenses, financial expenses, and profit for Turkey and India based on the ratios found in the experience of a producer of identical or comparable merchandise from each of these countries.⁴⁴

Fair Value Comparisons

Based on the data provided by the petitioner, there is reason to believe that imports of quartz surface products from India and Turkey are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of EP to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margin for quartz surface products from India is 323.12 percent and from Turkey is 85.71 percent.⁴⁵

Initiation of LTFV Investigations

Based upon the examination of the AD Petitions and supplemental responses, we find that they meet the requirements of section 732 of the Act. Therefore, we are initiating AD investigations to determine whether imports of quartz surface products from India and Turkey are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of this initiation.

Respondent Selection

In the Petitions, the petitioner named 92 companies in India⁴⁶ and 25 companies in Turkey,⁴⁷ as producers/exporters of quartz surface products. Following standard practice in AD investigations involving market economy countries, in the event Commerce determines that the number of companies is large and it cannot individually examine each company based upon Commerce's resources, where appropriate, Commerce intends to select respondents in India and

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ See Volume I of the Petitions, at Exhibit I-9.

⁴⁷ *Id.*

Turkey based on U.S. Customs and Border Protection (CBP) data for U.S. imports under the appropriate Harmonized Tariff Schedule of the United States numbers listed in the “Scope of the Investigations,” in the Appendix.

On May 22, 2019, Commerce released CBP data on imports of quartz surface products from India and Turkey under APO to all parties with access to information protected by APO and indicated that interested parties wishing to comment on the CBP data must do so within three business days of the publication date of the notice of initiation of these investigations.⁴⁸

Commerce will not accept rebuttal comments regarding the CBP data or respondent selection.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Commerce's website at <http://enforcement.trade.gov/apo>.

Comments must be filed electronically using ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the date noted above. We intend to finalize our decisions regarding respondent selection within 20 days of publication of this notice.

Distribution of Copies of the AD Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public version of the AD Petitions have been provided to the governments of India and Turkey via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the AD Petitions to each exporter named in the AD Petitions, as provided under 19 CFR 351.203(c)(2).

⁴⁸ See Memoranda, “Antidumping Duty Investigation of Certain Quartz Surface Products from India: Release of Customs Data from U.S. Customs and Border Protection,” and, “Antidumping Duty Investigation of Certain Quartz Surface Products from Turkey: Release of Customs Data from U.S. Customs and Border Protection,” dated May 22, 2019.

ITC Notification

We will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the AD Petitions were filed, whether there is a reasonable indication that imports of quartz surface products from India and/or Turkey are materially injuring, or threatening material injury to, a U.S. industry.⁴⁹ A negative ITC determination for any country will result in the investigations being terminated with respect to that country.⁵⁰ Otherwise, these AD investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce’s regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted⁵¹ and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.⁵² Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the

⁴⁹ See section 733(a) of the Act.

⁵⁰ *Id.*

⁵¹ See 19 CFR 351.301(b).

⁵² See 19 CFR 351.301(b)(2).

type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of particular market situation (PMS) for purposes of CV under section 773(e) of the Act.⁵³ Section 773(e) of the Act states that “if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.” When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of a respondent’s initial section D questionnaire response.

⁵³ See Trade Preferences Extension Act of 2015, Pub. L. No. 114-27, 129 Stat. 362 (2015).

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013), available at <http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>, prior to submitting factual information in these investigations.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.⁵⁴ Parties must use the certification formats provided in 19 CFR 351.303(g).⁵⁵ Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

⁵⁴ See section 782(b) of the Act.

⁵⁵ See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*). Answers to frequently asked questions regarding the *Final Rule* are available at http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, Commerce published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures*, 73 FR 3634 (January 22, 2008). Parties wishing to participate in these investigations should ensure that they meet the requirements of these procedures (*e.g.*, the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Jeffrey I. Kessler
Assistant Secretary
for Enforcement and Compliance

Dated: May 28, 2019.

Appendix

Scope of the Investigations

The merchandise covered by the investigations is certain quartz surface products. Quartz surface products consist of slabs and other surfaces created from a mixture of materials that includes predominately silica (*e.g.*, quartz, quartz powder, cristobalite, glass powder) as well as a resin binder (*e.g.*, an unsaturated polyester). The incorporation of other materials, including, but not limited to, pigments, cement, or other additives does not remove the merchandise from the scope of the investigations. However, the scope of the investigations only includes products where the silica content is greater than any other single material, by actual weight. Quartz surface products are typically sold as rectangular slabs with a total surface area of approximately 45 to 60 square feet and a nominal thickness of one, two, or three centimeters. However, the scope of these investigations includes surface products of all other sizes, thicknesses, and shapes. In addition to slabs, the scope of these investigations includes, but is not limited to, other surfaces such as countertops, backsplashes, vanity tops, bar tops, work tops, tabletops, flooring, wall facing, shower surrounds, fire place surrounds, mantels, and tiles. Certain quartz surface products are covered by the investigations whether polished or unpolished, cut or uncut, fabricated or not fabricated, cured or uncured, edged or not edged, finished or unfinished, thermoformed or not thermoformed, packaged or unpackaged, and regardless of the type of surface finish. In addition, quartz surface products are covered by the investigations whether or not they are imported attached to, or in conjunction with, non-subject merchandise such as sinks, sink bowls, vanities, cabinets, and furniture. If quartz surface products are imported attached to, or in conjunction with, such non-subject merchandise, only the quartz surface product is covered by the scope.

Subject merchandise includes material matching the above description that has been finished, packaged, or otherwise fabricated in a third country, including by cutting, polishing, curing, edging, thermoforming, attaching to, or packaging with another product, or any other finishing, packaging, or fabrication that would not otherwise remove the merchandise from the scope of the investigations if performed in the country of manufacture of the quartz surface products. The scope of the investigations does not cover quarried stone surface products, such as granite, marble, soapstone, or quartzite. Specifically excluded from the scope of the investigations are crushed glass surface products. Crushed glass surface products must meet each of the following criteria to qualify for this exclusion: (1) the crushed glass content is greater than any other single material, by actual weight; (2) there are pieces of crushed glass visible across the surface of the product; (3) at least some of the individual pieces of crushed glass that are visible across the surface are larger than 1 centimeter wide as measured at their widest cross-section (Glass Pieces); and (4) the distance between any single Glass Piece and the closest separate Glass Piece does not exceed three inches.

The products subject to the scope are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under the following subheading: 6810.99.0010. Subject merchandise may also enter under subheadings 6810.11.0010, 6810.11.0070, 6810.19.1200, 6810.19.1400, 6810.19.5000, 6810.91.0000, 6810.99.0080, 6815.99.4070, 2506.10.0010, 2506.10.0050, 2506.20.0010, 2506.20.0080, and 7016.90.1050. The HTSUS subheadings set

forth above are provided for convenience and U.S. Customs purposes only. The written description of the scope is dispositive.

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